

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

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PCT
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GROUP PATENTS DEPT

To:

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TO: *dm 23/6/04*
CASE NUMBER
11044P6 WO

WRITTEN OPINION

(PCT Rule 66)

21 SEPT

Date of mailing
(day/month/year)

21.06.2004

Applicant's or agent's file reference

11044P6 WO/AB

REPLY DUE

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International application No.

PCT/GB 03/03425

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05.08.2003

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International Patent Classification (IPC) or both national classification and IPC

C11D1/82

Applicant

RECKITT BENCKISER N.V. et al.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 06.12.2004

Name and mailing address of the International preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-23 as originally filed

Claims, Numbers

1-8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

WRITTEN OPINION

International application No. PCT/GB 03/03425

Novelty (N)	Claims	1,3,4,6-8
Inventive step (IS)	Claims	1-8
Industrial applicability (IA)	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Novelty (Article 33(2) PCT)

The present application does not meet the criterion set forth in Article 33(2) PCT because the subject-matter of claim 1,3,4,6-8 is not new in respect of the prior art as defined in the regulations (Rule 64(1)-(3) PCT).

Document **WO-A-97/35955** (D1) discloses (cf. table 2 and 3) detergent tablets for producing usable aqueous cleaning solutions in cleaning agent storage tanks of cleaning machines (spray extraction systems for cleaning carpets (page 15, 2. paragraph and page 18, 2nd-4th paragraph)). The cleaning tablets shown in table 2 and 3 include a nonionic surfactant and a component which releases gas on contact with water. These tablets are dissolved in a tank of a carpet cleaning machine before cleaning the carpet (page 18, 3rd-4th paragraph).

Since the intended new use of a composition is not a technical feature rendering a per se known composition novel, the subject-matter of claims 6-8 lacks novelty in view of document **WO-A-98/30662** (D2). D2 discloses a highly alkaline or mildly alkaline detergent composition comprising a source of alkalinity and a blend of nonionic alkoxyated surfactant and nonionic alkoxyated silicone surfactant that enhances cleaning waxy-fatty soils (claim 1). The composition may be in the form of solid block (claim 2, figure).

2. Inventive Step (Article 33(3) PCT)

2.1. Document D1, which is considered to represent the most relevant state of the art for the subject-matter of claim 5, discloses (cf. table 2 and 3) detergent tablets for producing usable aqueous cleaning solutions in cleaning agent storage tanks of cleaning machines (page 15, 2nd paragraph and page 18, 2nd -4th paragraph). The cleaning tablets shown in table 2 and 3 include a nonionic surfactant and a component which releases gas on contact with water.

These tablets are dissolved in a tank of a carpet cleaning machine before cleaning the carpet (page 18, 3rd-4th paragraph).

Whether the tablet is placed in the tank before or after the addition of water does not seem to be of any technical relevance.

Thus, the subject-matter of present claim 2 lacks an inventive step.

2.2. The subject-matter of present claim 5 differs from the process described in D1 in that two different surfactants (a "super wetting agent" and a further surfactant) are used. The problem to be solved by the present invention according to claim 5 may therefore be regarded as to provide a more effective method for cleaning a carpet.

The solution proposed in claim 5 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons.

WO-A-98/14540 (D3) depicts a cleaning formulation comprising a fluoro surfactant ("a super wetting agent") and a further nonionic surfactant (claim 1) which is effective in cleaning, shows improved resoiling performance (page 6, lines 33-38).

Moreover, **WO-A-92/17634** (D4) solves the problem to provide a method to remove stains from carpet (page 3, lines 7-20) by applying a carpet cleaning composition comprising a fluorinated alkyl sulfonic acid ("super wetting agent") and a surfactant (claim 4).

It is clear from documents D3 and D4 that it was common general practice at the priority date of the present application to use carpet cleaners comprising a surfactant and an additional surfactant which improves the wetting of carpet fibers.

Such known wetting improving surfactants (e.g. fluoro surfactants, alkoxylated silicone surfactants) are used according to present claim 5 exactly for the same purpose as already described in documents D3 and D4.

In order to improve the cleaning performance of the process disclosed in D1 it is therefore obvious for the skilled person to use well known wetting agents exactly for their intended use, contrary to article 33(3) PCT.

2.3. Documents D3 and D4 address aqueous carpet cleaners. Thus, these documents can be regarded as the closest prior art for the subject-matter of present claim 6.

The subject-matter of present claim 6 differs from the teaching of D3 or D4 in that a solid carpet cleaning composition is provided.

Starting from documents D3 or D4 as closest prior art, the problem to be solved can be regarded as to provide easier handling of the cleaning composition (to provide so called convenience products: easier to handle for the consumer, easier to transport). Since it is common practice to provide cleaning compositions (e.g. for dish washers, laundry, dental cleaning, etc.) in form of a tablet or powder, it is obvious for the skilled person to offer a known carpet cleaner composition also in form of a tablet.

Moreover, it is already indicated in D1 that solid carpet cleaners can be used (page

2, lines 1-17, page 18, lines 5-8) and also the advantages of a effervescent system are already described by D1 (page 3, lines 18-23).

Thus, the subject-matter of present claims 6-8 lacks an inventive step in view of D3 and D4.

3. Certain observations on the international application

3.1. The terms "super wetting agent" (claim 5) and "wetting agent" (claim 6) are vague and undefined and thus render the scope of claims 5 and 6 unclear (article 6 PCT), since it is not discernible which compounds are regarded as wetting agent or super wetting agent (is a wetting agent also a super wetting agent?)

3.2. With respect to the parameter indicated in claims 5 and 6 the following is stated.

Since documents D1-D4 address carpet cleaners and use the same type of surfactants as the present application, the surface tension requirement is regarded to be fulfilled implicitly by the teaching of said documents. Measuring a new parameter of a known composition does not render a composition novel or inventive (in particular without indication of the importance of such a parameter).

3.3. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 34(2)(b) PCT).

The applicant should clearly **identify the amendments carried out**, irrespective of whether they concern amendments by addition, replacement or deletion, and to **indicate accurately the passages** of the application as filed **on which these amendments are based** (Rule 66.8 (a) PCT; see the Guidelines, IV-7.2).

The amendments are preferred to be carried out in handwritten form on a copy of the relevant parts of the application as filed (Rule 66.8 (b) PCT) accompanied by a clean copy of the corresponding pages.